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9 Attorneys for Defendant,
JAMES RIVER INSURANCE COMPANY

13 DARNISHA JOHNSON, an individual,) Case No. 2:20-cv-00399-JCM-EJY
14 Plaintiff,)
15 vs.)
16 JAMES RIVER INSURANCE COMPANY,)
17 an Illinois corporation; DOES I through X;)
18 and ROE CORPORATIONS I through X,)
19 inclusive,)
Defendant.)

)

20 All of the parties hereto, and for good cause described in this stipulation, and in
21 accord with Local Rule 6-1 and Local Rule 26-4, the parties hereby request this
22 Honorable Court to adopt and approve this stipulated extension to the discovery plan,
23 and continue the discovery deadlines for 60-days as requested herein.

I. LOCAL RULE 6-1 IS SATISFIED

25 This is the third request for extension of discovery deadlines filed by the parties.
26 Pursuant to the Stipulation and Order to Extend Discovery (Second Request), the
27 following dates govern for purposes of discovery:

28 1. Discovery Cutoff Date: March 1, 2021

1	2. Expert Designations:	January 4, 2021
2	3. Rebuttal Expert Designations:	February 3, 2021
3	4. Dispositive Motions:	March 31, 2021
4	5. Joint Pre-Trial Order:	April 30, 2021

5 Due to Covid-19, there have been delays in obtaining Plaintiff's medical records
 6 and conducting additional discovery such as depositions and an Independent Medical
 7 Examination. While the parties had previously agreed for Plaintiff to under an
 8 Independent Medical Examination on November 2, 2020, Plaintiff failed to show for
 9 the agreed examination and the examination has now been re-scheduled to December
 10 17, 2020. Under normal circumstances Defendant's medical expert has reported that
 11 he needs a minimum of 45-days after the examination to complete his initial expert
 12 report. However, as there are multiple holidays between the date of the IME and the
 13 initial expert disclosure deadline, the parties are requesting a 60-day extension to all
 14 discovery deadlines.

15 The instant request comports with Local Rule 6-1, in that no request is being
 16 made after the expiration of the specified period.

17 **I. LOCAL RULE 26-4 IS SATISFIED**

18 The instant request to extend discovery deadlines satisfies the requisites of Local
 19 Rule 26-4. Additionally, good cause exists for the extension. Due to Covid-19, there
 20 have been delays in obtaining Plaintiff's medical records and conducting additional
 21 discovery such as depositions and an Independent Medical Examination. While the
 22 parties had previously agreed for Plaintiff to under an Independent Medical
 23 Examination on November 2, 2020, Plaintiff failed to show for the agreed examination
 24 and the examination has now been re-scheduled to December 17, 2020. Under normal
 25 circumstances Defendant's medical expert has reported that he needs a minimum of
 26 45-days after the examination to complete his initial expert report. However, as there
 27 are multiple holidays between the date of the IME and the initial expert disclosure
 28 deadline, the parties are requesting a 60-day extension to all discovery deadlines.

1 Listed below is a statement specifying the discovery completed in this case:

2	Plaintiff's Rule 26 Initial Disclosures	April 21, 2020
3	Defendant James River Insurance Company's Initial Disclosure of Witnesses And Documents Pursuant to FRCP 26(a)(1)	April 23, 2020
5	Plaintiff's First Set of Discovery Requests	May 18, 2020
6	Defendant James River Insurance Company's Responses to Plaintiff's First Set of Requests For Admission	July 7, 2020
8	Defendant James River Insurance Company's Responses to Plaintiff's First Set of Requests For Production	July 7, 202
10	Defendant James River Insurance Company's Responses to Plaintiff's First Set of Interrogatories	July 7, 202
12	Defendant James River Insurance Company's First Set of Requests for Admission to Plaintiff Darnisha Johnson	August 18, 2020
14	Defendant James River Insurance Company's First Set of Requests for Production to Plaintiff Darnisha Johnson	August 18, 2020
16	Defendant James River Insurance Company's First Set of Interrogatories to Plaintiff Darnisha Johnson	August 18, 2020
18	Plaintiff's Responses to Defendant's First Set Of Requests For Admissions, Interrogatories, And Requests for Production of Documents	October 1, 2020
20	Plaintiff's Designation of Expert Witnesses And Documents	October 1, 2020
22	Defendant James River Insurance Company's Notice of Independent Medical Examination of Plaintiff (Set for November 2, 2020)	October 8, 2020
24	Defendant James River Insurance Company's Amended Notice of Independent Medical Examination of Plaintiff (Set for December 17, 2020)	November 12, 2020

27 Due to Covid-19, there have been delays in obtaining Plaintiff's medical records
 28 and conducting additional discovery such as depositions and an Independent Medical

1 Examination. While the parties had previously agreed for Plaintiff to under an
 2 Independent Medical Examination on November 2, 2020, Plaintiff failed to show for
 3 the agreed examination and the examination has now been re-scheduled to December
 4 17, 2020. Under normal circumstances Defendant's medical expert has reported that
 5 he needs a minimum of 45-days after the examination to complete his initial expert
 6 report. However, as there are multiple holidays between the date of the IME and the
 7 initial expert disclosure deadline, the parties are requesting a 60-day extension to all
 8 discovery deadlines.

9 Finally, under Local Rule 26(4), it is necessary to articulate a proposed schedule
 10 for completing all remaining discovery. The parties are requesting an additional 30-
 11 days be afforded for discovery.

12 The following deadlines are requested.

- | | |
|---|----------------|
| 13 1. Discovery Cutoff Date: | April 30, 2021 |
| 14 2. Expert Designations: | March 1, 2021 |
| 15 3. Rebuttal Expert Designations: | March 31, 2021 |
| 16 4. Dispositive Motions: | June 1, 2021 |
| 17 5. Joint Pre-Trial Order: | July 1, 2021 |

18 The parties hereby stipulate to the proposed changes in the discovery deadlines.

19 Dated this 24th day of November, 2020

20 LOWE LAW GROUP

22 By: /s/ Eric W. Hinckley
 23 Eric W. Hinckley, Esq.
 Nevada Bar No. 12398
 24 Attorney for Plaintiff
 25 Darnisha Johnson

Dated this 24th day of November, 2020

BREMER WHYTE BROWN &
 O'MEARA, LLP

By: /s/ Deleela M. Weinerman
 Lucian J. Greco, Jr, Esq.
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 Nevada Bar No. 13985
 Attorneys for Defendant,
 James River Insurance Company

ORDER

IT IS SO ORDERED:

Eayna L. Zouchal

UNITED STATES MAGISTRATE JUDGE

Dated: November 24, 2020

The **STIPULATION AND ORDER TO EXTEND DISCOVERY (THIRD REQUEST)** in 2:20-cv-00399-JCM-EJY was submitted by:

10 | BREMER WHYTE BROWN & O'MEARA LLP

11 By: /s/ Deleela M. Weinerman
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